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JUN 15 2009

In re Application of :  
Buis :  
Application No. 09/963,807 :  
Filed: September 26, 2001 :  
Attorney Docket No. :  
15962.0003US01/BLD9200100 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2008, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned November 18, 2007 for failure to timely submit an appeal brief in response to the Notice of Appeal filed September 17, 2007. Notice of Abandonment was mailed October 1, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition fails to satisfy requirement (1) set forth above. The proposed reply consists of a request for continued examination (RCE). However, the RCE lacks the required submission. See, 37 CFR 114(a).

Any request for reconsideration must include the required submission.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:            Mail Stop PETITION  
                          Commissioner for Patents  
                          P. O. Box 1450  
                          Alexandria, VA 22313-1450

By hand:            U. S. Patent and Trademark Office  
                          Customer Service Window, Mail Stop Petitions  
                          Randolph Building  
                          401 Dulany Street  
                          Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

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